

**Amendment and Response**

Applicant: Thomas A. Saksa

Serial No.: 09/940,363

Filed: August 27, 2001

Docket No.: 10011180-1

Title: MEASUREMENT AND MARKING DEVICE

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**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed on March 25, 2004, in which claims 1, 2, 4-9, 12, 13, 22, 23, and 27-35 were rejected. With this Amendment, claims 1, 22, 34, and 35 have been amended to clarify Applicant's invention. Claims 1, 2, 4-9, 12, 13, 22, 23, and 27-35 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 103**

Claims 1, 2, 4-9, 12, 13, 22, 23, and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiklof et al. U.S. Patent No. 5,825,995 in view of Coulter et al. U.S. Patent No. 4,233,749.

With this Amendment, independent claim 1 has been amended to clarify that the user interface includes an input configured for operation by a user to record the position of the housing relative to the object, and independent claim 22 has been amended to clarify that locating a feature of the first object includes receiving user input at the feature of the first object with an input of a user interface mounted on the housing and storing the position of the housing at the feature of the first object as the measurement of the first object with a controller mounted in the housing and communicating with the user interface.

With respect to the Wiklof et al. and Coulter et al. patents, Applicant submits that neither of these patents, individually or in combination, teach or suggest a measurement and marking device, as claimed in independent claim 1, including a user interface which includes an input configured for operation by a user to record the position of the housing relative to a object, nor a method of transferring a measurement of a first object to a second object, as claimed in independent claim 22, including receiving user input at a feature of the first object with an input of a user interface mounted on the housing and storing the position of the housing at the feature of the first object as the measurement of the first object with a controller mounted in the housing and communicating with the user interface.

For example, although the Wiklof et al. patent discloses a user input interface 128 (Fig. 3), the user input interface 128 does not include an input configured for operation by a user to record the position of the housing relative to a object. Rather, the user input interface of the Wiklof et al. patent is disclosed as only including an image rotation four-position

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switch 132 which allows the user to select an orientation for the printed image, a trigger switch 131 which prevents accidental activation of the printer, an "X-out" switch 135 which allows the printer to be used to overwrite existing images, and a format select switch 134 (col. 4, lines 37-44). In addition, although the apparatus of the Coulter et al. patent contemplates use when measurement only is desired without marking and such measurement is to be read out on display 32 (col. 6, lines 30-32), the apparatus of the Coulter et al. patent does not receive user input at a user interface, such as keyboard 28, to record the position of the housing when such a measurement is made. More specifically, none of the keys 36 of keyboard 28 of the apparatus of the Coulter et al. patent is operated as an input by a user when the measurement is made.

In view of the above, Applicant submits that independent claims 1 and 22 are patentably distinct from the Wiklof et al. and Coulter et al. patents and, therefore, in a condition for allowance. Furthermore, as dependent claims 2, 4-9, 12, 13, 30, 31, and 34 further define patentably distinct claim 1, and dependent claims 23, 27-29, 32, 33, and 35 further define patentably distinct claim 22, Applicant submits that dependent claims 2, 4-9, 12, 13, 23, and 27-35 are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1, 2, 4-9, 12, 13, 22, 23, and 27-35 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 1, 2, 4-9, 12, 13, 22, 23, and 27-35 be allowed.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1, 2, 4-9, 12, 13, 22, 23, and 27-35 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Gregg W. Wisdom at Telephone No. (360) 212-8052, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

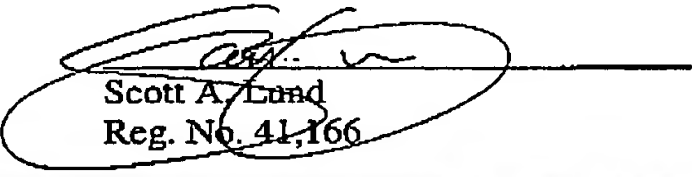
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Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 23<sup>rd</sup> day of June, 2004.

  
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